

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2
AMEND CHAPTER 4, ARTICLE 2, SECTIONS 932 AND 934.1,

COMPRESSED NATURAL GAS FUEL SYSTEMS (CHP-R-2006-13)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to compressed natural gas vehicular fuel systems.

PURPOSE OF REGULATIONS AND PROPOSED AMENDMENTS

Sections 2402 and 2402.6 of the California Vehicle Code (VC) authorize the CHP to adopt regulations establishing standards and specifications for fuel containers and fuel systems on vehicles using compressed natural gas to ensure the safety of the equipment and vehicles and of persons and property using the highways.

Requirements for compressed and liquefied gas fuel systems are described in 13 CCR, Chapter 4, Article 2. Adopted by reference in 13 CCR are specified standards for compressed and liquefied gas fuel systems. The National Fire Protection Association (NFPA) has established standards for liquefied natural gas (LNG) fuel systems in Standard #57 (NFPA 57), "Liquefied Natural Gas Vehicular Fuel Systems Code," and for compressed natural gas (CNG) fuel systems in Standard #52 (NFPA 52), "Compressed Natural Gas Vehicular Fuel Systems Code," both of which are currently adopted by reference in 13 CCR. In 2006, NFPA 52 was revised and expanded to include standards for vehicular fuel systems for a variety of alternative fuels including updated LNG standards previously contained in NFPA 57, as well as updated standards for CNG fuel systems.

The CHP proposes to amend Sections 932 and 934.1 of that article by adopting, by reference, the revised title of NFPA 52, "Vehicular Fuel Systems Code." Additionally, wherever the word "should" appears in NFPA 52, it shall be understood to set forth mandatory requirements. NFPA is currently the recognized leader in standards development for compressed and liquefied gas vehicular fuel containers and fuel system installations. Requirements will continue to reference the edition in effect at the time of installation.

Standards for CNG fuel containers and fuel system installations were adopted in 13 CCR in 1972. Additionally, NFPA standards for CNG fuel containers and fuel system installations were adopted by reference in 13 CCR in 1994. The National Highway Transportation Safety Administration (NHTSA) established Federal Motor Vehicle Safety Standards (FMVSS) for

CNG fuel system integrity, Standard #303, and for CNG fuel container integrity, Standard #304 in 1994.

In adopting the latest edition of NFPA 52 into 13 CCR, the CHP notes that these standards apply to all CNG fuel containers and fuel systems intended to be installed in motor vehicles. Failure to comply with these standards is a violation of state law. Consequently every manufacturer or installer of CNG fuel containers and fuel systems intended to be installed in motor vehicles is required to adhere to the state standards as adopted.

SECTION BY SECTION OVERVIEW

932. Reference Publications is amended to clarify information on how to obtain applicable NFPA standards.

934.1. Compressed Natural Gas - NFPA Standard is amended to include the revised title of NFPA 52, "Vehicular Fuels Systems," as revised in 2006, referencing the edition in effect at the time of installation. Additionally, wherever the word "should" appears in NFPA 52, it shall be understood to set forth mandatory requirements. Sub-section (a), "Approval," is amended to reference subject matter contained in NFPA 52. Sub-section (b), "Exceptions," is amended to reference subject matter contained in NFPA 52.

STUDIES/RELATED FACTS

NFPA 52 is a supporting document to this proposed rulemaking. As this document is copyrighted by NFPA, copies are not available for mailing by CHP. The standards may be viewed, by appointment only, at the CHP, Commercial Vehicle Section (CVS). To make an appointment for viewing either of these documents, please contact CHP, CVS at (916) 445-1865, (800) 735-2929 (TT/TDD), (800) 735-2922 (Voice), or via Facsimile at (916) 446-4579. A copy of this standard is also available from the NFPA. You may contact the NFPA at (800) 344-3555 and request purchase of NFPA 52.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

IMPACT ON BUSINESSES

The CHP has not identified any significant adverse impact on businesses since these changes simply clarify regulation to allow manufacturers to use the latest NFPA standards for product development.

ALTERNATIVES

The CHP has not identified any alternative, including the no action alternative that would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

Alternatives Identified and Reviewed

1. Make no changes to the existing regulations. This alternative was rejected because it fails to provide for the potential safety benefits of the most recent NFPA standards and may increase costs for manufacturers attempting to comply with both older and newer NFPA standards.

ECONOMIC IMPACT

The CHP has determined these regulatory amendments will result in:

- No increased costs for vehicle manufacturers. This rulemaking action will simply allow vehicle manufacturers to develop products utilizing the latest NFPA standards.
- No significant compliance cost for persons or businesses directly affected.
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public.
- No impact on the level of employment in the state.
- No adverse impact on the competitiveness of this state to retain businesses.